

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

SNYDER COMPUTER SYSTEMS, INC.
d.b.a. WILDFIRE MOTORS,

Defendant.

Case No. 2:13-cv-311

JUDGE EDMUND A. SARGUS, JR.

Magistrate Judge Elizabeth P. Deavers

OPINION AND ORDER

This matter is before the Court on Plaintiff's Unopposed Motion to Consolidate. (Doc. No. 4.) Plaintiff moves under Federal Rule of Civil Procedure 42(a) to consolidate this action with the earlier filed action *Snyder Computer Systems, Inc. d.b.a. Wildfire Motors v. United States Dep't of Transportation*, Case No. 2:12-cv-1140. Defendant Wildfire does not oppose consolidation.

Federal Rule of Civil Procedure 42(a) permits a court to consolidate actions if they "involve a common question of law or fact." *Cantrell v. GAF Corp.*, 999 F.2d 1007, 1011 (6th Cir. 1993) (quoting Fed. R. Civ. P. 42(a)). "The underlying objective [of consolidation] is to administer the court's business 'with expedition and economy while providing justice to the parties.'" *Advey v. Celotex, Corp.*, 962 F.2d 1177, 1180 (6th Cir. 1992) (quoting 9 Wright & Miller, *Federal Practice and Procedure*, § 2381 (1971)).

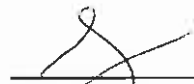
Consolidation of this action with the earlier filed *Snyder Computer Systems, Inc. d.b.a. Wildfire Motors v. United States Dep't of Transportation*, Case No. 2:12-cv-1140 is appropriate because, central to both cases is the same National Highway Traffic Safety Administration order

under the National Highway Traffic Safety Act of 1966, as amended and recodified, 49 U.S.C. §§ 30101 *et seq.* (“NHTSA”). The NHTSA’s order found that Wildfire had not reasonably met its legal obligations for remedying three-wheeled vehicles (Model Year 2009 WF650-Cs), which Wildfire elected to recall for having brake systems noncompliant with Federal Motor Vehicle Safety Standard 122. The NHTSA ordered Wildfire to take specific actions to meet recall remedy requirements, including paying vehicle owners \$3,400 and destroying or disabling the vehicles. Wildfire challenges NHTSA’s order by suing the United States Department of Transportation in Case No. 2:12-cv-1140, and in this action the United States of America seeks equitable relief and civil money penalties under the Vehicle Safety Act to make Wildfire comply with the same order. *Compare* 12-1140, Wildfire Complaint (ECF No. 2) ¶¶ 1, 3, 15–19 with 12-311, United States Complaint (ECF No. 1) ¶¶ 1, 20, 40, Ex. A (NHTSA Order). Thus, the two actions involve “a common question of law or fact” and consolidation will benefit both the parties and the Court.

Accordingly, the Court **GRANTS** Plaintiff’s Unopposed Motion to Consolidate. (Doc. No. 4.) The parties are **DIRECTED** to file all documents under the first-filed case: *Snyder Computer Systems, Inc. d.b.a. Wildfire Motors v. United States Dep’t of Transportation*, Case No. 2:12-cv-1140. The Clerk is **DIRECTED** to file this Opinion and Order in this action as well as in the first filed case, No. 2:12-cv-1140.

IT IS SO ORDERED.

4-23-2013
DATE


EDMUND A. SARGUS, JR.
UNITED STATES DISTRICT JUDGE